

1. The Conceptual Plan showing the site layout and conditions of approval shall be recorded at the expense of the Applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.9.9.
2. The proposed communications facility (and its associated switching infrastructure) shall comply with all criteria set forth in the SLDC prior to approvals of the development.

Mr. Ted Harrison presented the Applicant's case at the public hearing.

Mr. Harrison testified that the Cell Tower would support a more complete communication service to the Galisteo Basin region. He stated that there are areas in the region that have either weak cell phone signal or no signal at all, and one function of the Cell Tower is to provide a more comprehensive quality of communications access to hiking trails located within the Galisteo Basin Preserve.

Mr. Harrison further testified that the location of the Cell Tower is proposed to be on Lot 22 of Trenza, which is a 468 acre tract, that development rights to Lot 22 have been transferred to other locations. He stated that the size of the tract will remain at 468 acres for the foreseeable future. Mr. Harrison also testified that the closest lot line to the proposed location of the Cell Tower is 300 feet from the proposed Cell Tower location.

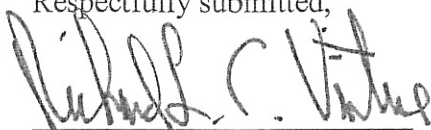
A letter from a landowner expressing concern about adverse health impacts of the Cell Tower was entered into the record. No evidence was introduced at the hearing supporting the concern expressed in the letter was submitted.

The Application, the County Staff Report and testimony submitted at the public hearing establish that the Application meets the requirements of the SLDC.

WHEREFORE, the Hearing Officer, based on the law and the evidence presented at the public hearing, recommends:

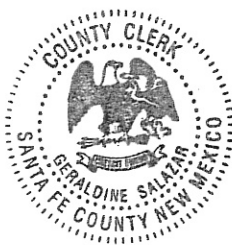
Approval of the request for an amendment to the Conceptual Plan for the Galisteo Basin Preserve/Trenza Planned Development District (PD-2), with the conditions proposed by County Staff.

Respectfully submitted,



Richard L.C. Virtue  
Hearing Officer

Date: November 21, 2018



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

SLDC HEARING OFFICER 0  
PAGES: 7

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Deputy E. Strulla Martinez )  
Witness My Hand And Seal Of Office  
Geraldine Salazar  
County Clerk, Santa Fe, NM

TRANSCRIPT OF THE  
SANTA FE COUNTY  
SLDC HEARING OFFICER MEETING

Santa Fe, New Mexico

November 8, 2018

I. This meeting of the Santa Fe County Sustainable Land Development Code Hearing Officer meeting was called to order by Santa Fe County Hearing Officer Richard Virtue on the above-cited date at approximately 3:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

**Staff Present:**

Vicki Lucero, Building & Development Services Manager  
Paul Kavanaugh, Building & Development Services Supervisor  
José Larrañaga, Case Manager  
Eric Ames, Assistant County Attorney  
Jaome Blay, Fire Marshal  
Robert Griego, Planning Manager  
Penny Ellis-Green, Growth Management Director

II. **Approval of Agenda**

HEARING OFFICER VIRTUE: My name is Richard Virtue. I'm the Santa Fe County Land Development Code Hearing Officer. We'll call this meeting of the Hearing Officer to order. The first matter is whether there are any changes to the agenda.

VICKI LUCERO (Building & Development Services Manager): Hearing Officer Virtue, there are no changes to the agenda.

HEARING OFFICER VIRTUE: Thank you.

III. **Public Hearings**

- A. **Case # SCSD 18-5190 Village at Galisteo Basin Preserve (aka "Trenza") Conceptual Plan.** Commonweal Conservancy, Applicant, Ted Harrison, Agent, request approval for an amendment of a Conceptual Plan to allow a 36-foot tall communications tower (and its associated switching infrastructure) as an allowed use within the Galisteo Basin Preserve/Trenza Planned Development District (PD-2). The proposed Cell Tower will be on Lot 22 which comprises 468.08 acres. The site would take access from Astral Valley Road, via US 84-285. Lot 22 is located at 99 Astral Valley Road within T15N, R10E, Section 31, SDA-2 (Commission District 3) [Exhibit 1: Letter from Dianna Suslo]



NBA-63

SLC CLERK RECORDED 12/14/2018

JOSE LARRAÑAGA (Case Manager): On June 12, 2007, the Village at Galisteo Basin Preserve was approved by the Board of County Commissioners. On December 10, 2015, the BCC approved an amendment to the master plan to reduce the density from 965 residential units and 150,000 square feet of commercial, educational and civic land uses to allow 275 residential units and 71,000 square feet of commercial, educational and civic land uses.

The prior approvals did not address communication towers as an allowed use. On December 8, 2015, with the implementation of the Sustainable Land Development Code, the 2,502-acre planning envelope associated with the approved Master Plan was designated as a Planned Development District

The applicant is requesting approval of an amendment to the conceptual plan to allow a 36-foot tall communications tower as an allowed use within the Galisteo Basin Preserve/Trenza Planned Development District.

SLDC, Section 8.10.10.3, Expansion of Existing PDs states, "An expansion of an existing PD is a request for any enlargement, greater density or intensity of non-residential uses, relocation, decrease in a project's size or density, or modification of any condition of a previously approved and currently valid PD."

SLDC, Section 4.9.9.1 Conceptual Plan Purpose states, "A conceptual plan is comprehensive in establishing the scope of a project, yet is less detailed than a site development plan. It provides a means to review projects and obtain conceptual approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval. A conceptual plan submittal will consist of both plans and written reports."

The applicant has addressed the conceptual plan criteria and staff has responded as contained in the report. Building and Development Services staff has reviewed this project for compliance with pertinent SLDC requirements and have found that the facts presented support the request for a conceptual plan to allow a communication tower as an allowed use within the Galisteo Basin Preserve Trenza Planned Development District. The proposed use is a permitted use as a mono pine or stealth tower, or a conditional use which would be a mono pole, within a planned development district as per Appendix B: Use Matrix; and the application satisfies the submittal requirements set forth in the SLDC inclusive of Criteria set forth in Section 4.9.9.

Staff has established findings that this application for an amendment of the conceptual plan to allow a communications tower as an allowed use within the Galisteo Basin Preserve/Trenza Planned Development District is in compliance with criteria set forth in the SLDC.

Recommendation: Staff recommends approval of the request for an amendment of the Conceptual Plan to allow the proposed 36-foot tall communications tower as a permitted use – stealth or mono-pine, or a conditional use – mono-pole, within the Galisteo Basin Preserve/Trenza Planned Development District, to be located on Lot 22 which comprises 468.08 acres, with the following conditions:

1. The Conceptual Plan showing the site layout and conditions of approval shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.9.9.



2. The proposed communications facility (and its associated switching infrastructure) shall comply with all criteria set forth in the SLDC prior to approvals of the development.

This report and the exhibits listed below are hereby submitted as part of the hearing record.

Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written order. The Santa Fe County Planning Commission will be holding a public hearing on this matter on December 20, 2018.

I stand for any questions.

HEARING OFFICER VIRTUE: Thank you. Just for the record, since we didn't get it into the record before the staff report was presented. This is Case # SCSD 18-5190, Village at Galisteo Basin Preserve Conceptual Plan. Commonweal Conservancy, applicant, Ted Harrison, agent, on behalf of the applicant, and it's located on Astral Valley Road within Commission District 3.

I may have some questions for staff later, but at this time I'd like to proceed with the applicant's presentation and I would ask that anyone who wants to speak on behalf of the applicant please stand and identify yourself and be sworn.

[Duly sworn, Ted Harrison testified as follows:]

TED HARRISON: Hearing Officer Virtue, my name is Ted Harrison and I'm the president of Commonweal Conservancy, which is the non-profit organization that has been pursuing the Galisteo Basin Preserve for the past 15 years. I think that staff did an excellent job presenting the history of the project and the terms of our request. I'll just give a little bit more background if I could, and that is over the past five years Verizon Communications and another partner company called Hemphill Communications have been on the hunt for an appropriate cell tower location in the Galisteo Basin area that would support a more complete communication service to the region.

There are areas along US 285 that have either weak signals or no signal at all. The Galisteo Basin Preserve is an area of more than 10,000 acres that includes 28 miles of hiking trails and one of our concerns in the current status of the cell communication capabilities of this region is that we have folks hiking on these trails without access to communications. We've had a number of incidents where people have been hurt requiring emergency services or search and rescue service. Part of the function of the cell tower is to provide a more comprehensive quality of communications access to those hiking trails. It's also intended to provide better access and service to the existing neighborhoods in the New Moon Overlook, Southern Crescent, Lamy and possibly even Galisteo.

As I said, Verizon has been searching for an appropriate site for more than five years. One of the big challenges they faced is the proximity of their proposed cell tower locations to other homes or existing homes was such that it was of concern to those neighbors and homeowners. We spent a good amount of time over the past three years working with the neighbors that are most proximate to this location and in fact the person who owns the lot within 300 feet of the tower is in very active communication with us and chose to purchase his lot, knowing that the cell tower was under consideration.

I know that there is a letter that is part of the record, I believe, from one of the landowners in the Southern Crescent. In her case, her lot is approximately two miles

south of the proposed communication tower location. I've spent quite a bit of time speaking with Dianna Suslo, who is the person who wrote the letter, trying to give her the background information on what I understand to be the risks and benefits or challenges and opportunities of this communications tower. She's a person with chemical sensitivities and just has special concerns about cell towers within close proximity, whether it's two miles or closer.

As I said, Verizon has spent time, spent considerable money preparing their application and if we are able to go forward with this conceptual plan amendment I believe they will bring forward their development permit application in the spring of next year. If all goes well in their construction then the cell tower would be operational by late fall next year.

One of the other benefits, and then I'll conclude, is that Verizon/Hemphill is proposing to extend fiber optic cable from its existing location from, I believe Ranch Road at 285 that will then be brought down along the existing PNM power poles, such that it would tie into the fiber cable that we've already placed in the roads of the Galisteo Basin Preserve. This will provide better broadband access to the neighborhoods of the Preserve. So with that, I stand for questions.

HEARING OFFICER VIRTUE: Thank you for that presentation. I have a few questions. The tower is going to be located – proposed to be located on Lot 22, which is a 480-acre lot. Can you give me some background? What's the purpose of that lot? Is it open space? Why such a large lot within the area?

MR. HARRISON: Well, Hearing Officer Virtue, Lot 22 is the legal lot of record that has been the focus of our planning work for our master planned community known as Trenza. As the report presented, we have had a number of approvals over the past ten years that intended to allow us, or provided us with an allowance to develop as many as 975 homes within that lot, that would have been replatted to accommodate that village development. Surrounding this lot is almost 9,000 acres of undeveloped land which Commonweal Conservancy is in the process of overlaying with conservation easements.

Very recently, the planning process for our village moved to a secondary or really off the table concern or point of focus for the organization because during the recession we got ourselves quite upside down with our debt, and long story short is that the organization was at risk of foreclosure due to that debt obligation of the lands that we had acquired over the past 15 years. Fortunately, in July of this year, the Thaw Charitable Trust stepped in and in combination with other major donors have agreed to – have purchased the debt that was previously held by institutional lenders such as Los Alamos National Bank.

Part of the agreement we have with the Thaw Charitable Trust by their investment in this new portfolio is that Commonweal will move forward over the course of the next four years and overlay the balance of the property with conservation easements as well as work with the County on a TDR easement application. I'm not sure if that's exactly the nomenclature, but to actually transfer the development rights that would have otherwise been developed in the Trenza, Lot 22 geography, to other areas of the county that are looking for higher density development, perhaps in the Community College District or areas such as that.

So Lot 22 is an artifact of the ranch history of this larger property but has been the focus of our development planning for the past 10 years. It remains the large legal lot of record as a holding geography for what would have been this large community or intermediate sized community as the case may be.

HEARING OFFICER VIRTUE: Okay, so you intend that the lot will stand at that size for the foreseeable future?

MR. HARRISON: That's correct.

HEARING OFFICER VIRTUE: Okay. And can you give me a little more information about where you propose to locate the tower? I couldn't tell from looking at the maps that were submitted, the precise location. The narrative said in the northeast quadrant but I couldn't determine that from the maps. Could you just give me a little more information about the location?

MR. HARRISON: I'm going to just briefly review the materials that you have and I have other materials as well. Okay. On Exhibit 4, Hearing Officer Virtue, you can see the outline of Lot 22. It's highlighted in yellow, and on the east side of Lot 22 there is a – this is the original plat that was part of the neighborhood being developed known as New Moon Overlook, and you see the lot numbers one through 20 and then there's a larger open space lot, Lot 23 further north. There's an escarpment that follows pretty much the yellow highlighted line that divides the grass Eldorado Plain area from a fairly steep drop-off and then into a basin area below. So the cell tower location is – I can come to the podium if that would be helpful to actually point to it exactly. Would that be good?

HEARING OFFICER VIRTUE: Please do.

MR. HARRISON: This is the large lot configuration and so the cell tower is located right here.

HEARING OFFICER VIRTUE: Okay.

MR. HARRISON: So those more detailed maps show it in that location.

HEARING OFFICER VIRTUE: Okay. Yes.

MR. HARRISON: This is the property owner, the prospective owner that is bought his property knowing that the cell tower was coming in.

HEARING OFFICER VIRTUE: Where is the access to the lot from the – the main access? I'm going to have him restate what he just told me for the record and then respond to my question about access to the site, also for the record.

MR. HARRISON: Yes. So Lot 22 is highlighted, as I said, on Exhibit 4 and I pointed out to Hearing Officer Virtue that the cell tower location is in the far northeast section of Lot 22. This plat that's used as an exhibit was subsequently amended or revised and there's a road, a dirt access road that's drawn on this plat that actually cuts through an old ranch road, follows an old ranch road that has its connection to a road that is legally known as New Moon Overlook Road. Astral Valley is the connecting road to US 285. You travel about one-quarter mile west, then you turn north on New Moon Overlook Road, and then approximately one-quarter mile north you would see a cable gate and a dirt fire road-looking pathway that would lead you up to a set of water tanks. The water tanks are what serve the neighborhood of Southern Crescent that's located a mile and a half to two miles south of this project.

So what I would point out was that the location of the tower is in the northeast corner of Lot 22 and it is accessed most directly off of the New Moon Overlook Road from a dirt road.

HEARING OFFICER VIRTUE: Okay, and is the lot you referred to that was purchased with notice of the cell tower, you mentioned is 300 feet away from the proposed location; is that the lot line?

MR. HARRISON: Yes. Approximately 300 feet from the lot line.

HEARING OFFICER VIRTUE: And is that the closest lot to the cell tower site?

MR. HARRISON: Yes, it is.

HEARING OFFICER VIRTUE: Thank you. I don't know whether this is for staff or for you. You can take the first crack at it. The type of cell tower you're putting in is identified as a mono-pine tower, and then there's a reference in the staff report to something called a mono-pole. And the mono-pine is a permitted use and the mono-pole is a conditional use, as I understand it.

MR. LARRAÑAGA: Hearing Officer Virtue, that's correct. A mono-pole is – you would have to come forward through the conditional use permit process, and a mono-pine would be a permitted use which could be done administratively.

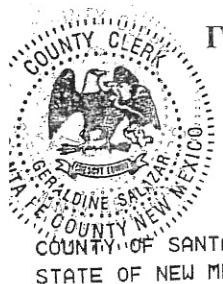
HEARING OFFICER VIRTUE: Okay. Can you just describe the difference between the two types of poles?

MR. LARRAÑAGA: I believe there's some photo-sims in your packet and the mono – it would be the same height, only a mono-pine would look, from a distance, like a pine tree. A mono-pole would just be a straight up pole.

HEARING OFFICER VIRTUE: A pole. Okay. Thank you. Those are all the questions that I have. I would now open the hearing to the public and ask that anyone from the public who wishes to speak either for or against the application please stand, identify yourself and be sworn. Is there anyone who wishes to speak for or against the application? Seeing none, I will declare the public hearing to be closed. I have no further questions of either the staff or the applicant. Does anybody else have anything further they would like to ask of the applicant or the staff? If not, I will close the hearing. Thank you very much.

#### IV. Adjournment

Hearing Officer Virtue adjourned the hearing at 3:21 p.m.



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

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Approved by:

Richard L.C. Virtue, SLDC  
Hearing Officer Santa Fe County

Deputy County Clerk, Santa Fe, NM  
Witness My Hand And Seal Of Office  
Geraldine Salazar

Sustainable Land Development Code  
Hearing Officer Meeting: November 8, 2018

Henry P. Roybal  
Commissioner, District 1

Anna Hansen  
Commissioner, District 2

Rudy N. Garcia  
Commissioner, District 3



Anna T. Hamilton  
Commissioner, District 4

Ed Moreno  
Commissioner, District 5

Katherine Miller  
County Manager

CASE # SCSD 18-5190  
Village at Galisteo Basin Preserve Conceptual Plan  
Commonweal Conservancy Inc., Applicant

**RECOMMENDED DECISION AND ORDER**

**THIS MATTER** came before the Santa Fe County Planning Commission ("Commission") for hearing on December 20, 2018, on the application of Commonweal Conservancy, Inc. ("Applicant") for an amendment to the Conceptual Plan for the Galisteo Basin Preserve/Trenza Planned Development District ("Galisteo Basin Preserve/Trenza PDD"). Specifically, the Applicant proposes to amend the Conceptual Plan to authorize a thirty-six (36) foot tall wireless telecommunications facility (and associated switching infrastructure) as an allowed use within the Galisteo PDD. The Commission, having reviewed the application, staff report, the Hearing Officer's recommended decision, and having conducted a public hearing on the application, finds that the application is well-taken and recommends that the Santa Fe County Board of County Commissioners ("Board") approve the proposed amendment, and in support of its recommendation, makes the following findings of fact and conclusions of law:

STAFF RECORDS 02/22/2019



NBA-119



## I. FINDINGS OF FACT

### A. Background

1. On June 12, 2007, the Board approved the Master Plan for the Village at Galisteo Basin Preserve.
2. The Sustainable Land Development Code ("SLDC"), Ordinance No. 2016-9, Section 8.10.10.1.1 (Existing Approvals Identified as PDs), designated the Galisteo Basin Preserve as a Planned Development District (PD-2).
3. The SLDC, Section 8.10.10.2, requires the Galisteo Basin Preserve/Trenza PDD to be "developed in accordance with, and governed by and restricted to the densities, uses and conditions identified on the approved master plan, plat or development plan."
4. The SLDC, Section 8.10.10.2.3 (Expansion of Existing PDs), states that the expansion of an existing PD is "a request for any greater intensity of non-residential uses." (ellipses omitted).
5. The SLDC, Section 4.9.9.1 (Purpose) states that "A conceptual plan is comprehensive in establishing the scope of a project, yet is less detailed than a site development plan. It provides a means to review projects and obtain conceptual approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval. A conceptual plan submittal will consist of both plans and written reports."
6. The SLDC, Section 4.9.9.8 (Amendments), states that a proposed amendment to a conceptual plan, other than a minor amendment, "shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original conceptual plan approval."

7. The SLDC, Section 4.9.9.6 (Approval Criteria), establishes the criteria for approval of a conceptual plan:

- a. Conformance to the Sustainable Growth Management Plan ("SGMP");
- b. Viability of the proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or completed; and
- c. Conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.

8. The SLDC, Appendix B (Use Matrix), states that in a Planned Development District, a wireless telecommunications facility is either a permitted use (mono pine) or a conditional use (mono pole).

**B. Permit Process**

9. On April 21, 2016, Applicant presented the application to amend the Conceptual Plan at a regular meeting of the Technical Advisory Committee, as required by the SLDC, Section 4.4.4.3 (Pre-Application TAC Meeting) and Table 4-1. NBA-5.

10. On May 16, 2016, Applicant presented the application to amend the Conceptual Plan at a neighborhood meeting, and submitted the material that was presented at the meeting, a sign-up sheet, and a list of individuals notified of the meeting, including Registered Organizations, as required by the SLDC, Section 4.4.4 (Pre-Application Neighborhood Meeting). NBA-5.

11. Applicant submitted written verification that the notice of public hearing before the

NBA-71

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SLDC Hearing Officer on the application to amend the Conceptual Plan was posted, published, and mailed, as required by the SLDC, Section 4.6.3 (General Notice of Application Requiring a Public Hearing). NBA-5.

12. On November 8, 2018, the SLDC Hearing Officer held a public hearing on the application to amend the Conceptual Plan. NBA-6.

13. On November 21, 2018, the SLDC Hearing Officer issued his decision recommending approval of the application to amend the Conceptual Plan, subject to the following conditions:

a. The Conceptual Plan showing the site layout and conditions of approval shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.9.9.

b. The proposed wireless telecommunications facility (and its associated switching infrastructure) shall comply with all criteria set forth in the SLDC prior to approval of the development. NBA-6, 61-62.

14. On December 20, 2018, the Planning Commission held a public hearing on the application to amend the Conceptual Plan. NBA-1.

15. Applicant submitted written verification that the notice of public hearing before the Planning Commission on the application to amend the Conceptual Plan was posted, published, and mailed, as required by the SLDC, Section 4.6.3 (General Notice of Application Requiring a Public Hearing). NBA-5.

16. At the public hearing before the Planning Commission, the staff of the County's Building and Development Services Division testified that the proposed use is allowed in the

Galisteo Basin Preserve/Trenza PDD, and that the proposed amendment complied with the SLDC, including the approval criteria for conceptual plans in Section 4.9.9.6 (Approval Criteria):

a. The proposed amendment conforms to the SGMP because it accommodates the growing need for wireless communication services in the area;

b. The proposed amendment does not affect the viability of the proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or completed because it provides critical communications infrastructure in advance of any proposed development; and

c. The proposed amendment conforms to applicable law and County ordinances in effect at the time of consideration and will not be constructed or operated until Applicant obtains all required permits and licenses. NBA-3 & 4.

17. At the public hearing before the Planning Commission, the staff of the County's Building and Development Services Division presented an email sent to their office by Dianna Suslo, a County resident and the owner of uninhabited property near the proposed wireless telecommunications facility, expressing her concern about potential health and environmental impacts.

## II. CONCLUSIONS OF LAW

18. A wireless telecommunications facility is an allowed use in the Galisteo Basin Preserve/Trenza PDD.

19. The application to amend the Conceptual Plan for the Galisteo Basin Preserve/Trenza PDD satisfies the approval criteria in the SLDC:

a. The proposed amendment conforms to the SGMP;

b. The proposed amendment does not affect the viability of the proposed phases

of the project to function as a completed development in the case that subsequent phases of the project are not approved or completed; and

c. The proposed amendment conforms to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.

20. Any finding of fact that may be construed to constitute a conclusion of law is incorporated by reference as if it were expressly stated herein.

**WHEREFORE** the Planning Commission finds that the Application is well taken and hereby recommends that the Board approve the application to amend the Conceptual Plan to authorize a thirty-six (36) foot tall wireless telecommunications facility (and associated switching infrastructure) as an allowed use within the Galisteo Basin Preserve/Trenza PDD, subject to the following conditions:

A. The Conceptual Plan showing the site layout and conditions of approval shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.9.9.

B. The proposed wireless telecommunications facility (and associated switching infrastructure) shall comply with all criteria set forth in the SLDC prior to approval of the development.

APPROVED AND ADOPTED this 21 day of February 2019.

SANTA FE COUNTY PLANNING COMMISSION

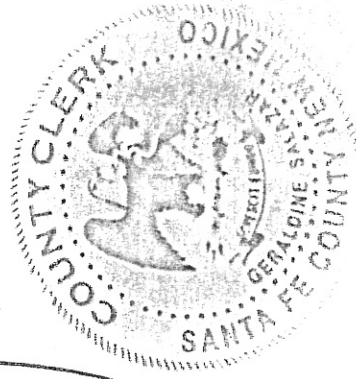
Charlie D. Gonzales

Charlie Gonzales  
Chairperson

ATTEST:

Geraldine Salazar

Geraldine Salazar, County Clerk



APPROVED AS TO FORM:

R. Bruce Frederick

R. Bruce Frederick, County Attorney

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

PLANNING COMMISSION RE  
PAGES: 7

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Geraldine Salazar  
Deputy Estrella County Clerk, Santa Fe, NM

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NBA-75

MEMBER ANAYA: As a friendly amendment or any type of amendment.  
MEMBER KATZ: What's the substance? I mean do you want to say to them there must be three cross bars?

MEMBER ANAYA: Yes. Three cross bars located on the six-foot fencing.

MEMBER KATZ: Thank you.

CHAIR GONZALES: Okay, we have a motion and we have the friendly amendment to it.

The motion passed by unanimous [7-0] voice vote.

#### VIII. NEW BUSINESS

- A. Case # SCSD 18-5190 Village at Galisteo Basin Preserve (aka "Trenza") Conceptual Plan. Commonweal Conservancy, Applicant, Ted Harrison, Agent, request approval for an amendment of a Conceptual Plan to allow a 36-foot tall communications tower (and its associated switching infrastructure) as an allowed use within the Galisteo Basin Preserve/Trenza Planned Development District (PD-2). The proposed Cell Tower will be on Lot 22 which comprises 468.08 acres. The site would take access from Astral Valley Road, via US 84-285. Lot 22 is located at 99 Astral Valley Road within T15N, R10E, Section 31, SDA-2 (Commission District 3) [Exhibit 1: Suslo Letter]

CHAIR GONZALES: Jose, please proceed with your presentation.

JOSE LARRAÑAGA (Case Manager): Thank you, Mr. Chair. Prior to the meeting we handed out a letter from somebody who had concerns on this project.

On June 12, 2007, the Village at Galisteo Basin Preserve, "Trenza Master Plan", was approved by the Board of County Commissioners. On December 10, 2015, the BCC approved an amendment to the master plan to reduce the density from 965 residential units and 150,000 square feet of commercial, educational and civic land uses to allow 275 residential units and 71,000 square feet of commercial, educational and civic land uses.

The prior approvals did not address communication towers as an allowed use. On December 8, 2015, with the implementation of the Sustainable Land Development Code, the 2,502-acre planning envelope associated with the approved master plan was designated as a Planned Development District.

The applicant is requesting approval of an amendment to the conceptual plan to allow a 36-foot tall communications tower as an allowed use within the Galisteo Basin Preserve/Trenza Planned Development District.

SLDC, Section 8.10.10.3, Expansion of existing PDs states, "An expansion of an existing PD is a request for any enlargement, greater density or intensity of non-residential uses, relocation, decrease in a project's size or density, or modification of any condition of a previously approved and currently valid PD."

SLDC, Section 4.9.9.1, Conceptual Plan Purpose states, "A conceptual plan is comprehensive in establishing the scope of a project, yet is less detailed than a site development plan. It provides a means to review projects and obtain conceptual approval for proposed development without the necessity of expending large sums of money for

SFC CLERK RECORDED 01/18/2019



NBA 74

the submittals required for a preliminary and final plat approval. A conceptual plan submittal will consist of both plans and written reports.”

The applicant has addressed the conceptual plan criteria and staff has responded as contained in the report.

Building and Development Services staff has reviewed this project for compliance with pertinent SLDC requirements and has found that the facts presented support the request for a Conceptual Plan to allow a communications tower as an allowed use within the Galisteo Basin Preserve/Trenza Planned Development District. The proposed use is a permitted use or a Conditional Use. The permitted use would be a stealth or mono pole and the conditional use would be a mono pole within a planned development district as per Appendix B: Use Matrix; and the application satisfies the submittal requirements set forth in the SLDC inclusive of criteria set forth in Section 4.9.9.

Staff has established findings that this application for an amendment of the Conceptual Plan to allow a communications tower as an allowed use within the Galisteo Basin Preserve/Trenza Planned Development District is in compliance with criteria set forth in the SLDC.

On November 8, 2018, this request was presented to the Sustainable Land Development Hearing Officer. The Hearing Officer memorialized findings of fact and conclusions of law in a written order on this request. The Hearing Officer, based on the evidence presented recommended approval of the request for an amendment of the conceptual plan with the conditions recommended by staff. The written order and the minutes of the November 8th hearing are attached as Exhibits 11 & 12.

The recommendation of the Hearing Officer and staff's recommendation is for approval of the request for an amendment of the conceptual plan to allow the proposed 36-foot tall communications tower as a permitted use or a conditional use within the Galisteo Basin Preserve/Trenza Planned Development District to be located on Lot 22 which comprises 468.08 acres., with the following conditions:

1. The Conceptual Plan showing the site layout and conditions of approval shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.9.9.
2. The proposed communications facility (and its associated switching infrastructure) shall comply with all criteria set forth in the SLDC prior to approvals of the development.

This Report and the exhibits listed below are hereby submitted as part of the hearing record. Staff requests the Planning Commission memorialize findings of fact on this request. The Santa Fe County Board of County Commissioners will be holding a public hearing on this matter in February of 2019.

Mr. Chair, I stand for any questions.

CHAIR GONZALES: Thank you, Jose. Does the Commission have any questions of Jose or staff? No? Okay.

MEMBER ANAYA: Mr. Chair, I just have one question.

CHAIR GONZALES: Mr. Anaya.

MEMBER ANAYA: On the communication tower, what's it going to service? What's it servicing? Verizon? ATT? The state?

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MR. LARRAÑAGA: Mr. Chair, Member Anaya, I know I have that somewhere but I think the applicant would be able to answer that question.

CHAIR GONZALES: Mr. Anaya, are you okay?

MEMBER ANAYA: That's fine. I see it here.

MEMBER SHEPHERD: Mr. Chair.

CHAIR GONZALES: Mr. Shepherd.

MEMBER SHEPHERD: The location of the tower as stated in that – Dianne's memo, as well as looking at the printed, is close to the water tank. What's the material of the water tank? Is it a metal water tank?

MR. LARRAÑAGA: Mr. Chair, Commissioner Shepherd, I believe the applicant would be better suited to answer that question.

MEMBER SHEPHERD: I'm assuming the water tank is probably metal ungrounded.

MR. LARRAÑAGA: Yes.

MEMBER SHEPHERD: Okay. And also, the utilities in the area, are they above ground, like electricity, or are they underground?

MR. LARRAÑAGA: Mr. Chair, Commissioner Shepherd, I'm not aware if they're underground or overhead.

MEMBER SHEPHERD: Okay. And do you know if there's any high tension wires in the area?

MR. LARRAÑAGA: Mr. Chair, Commissioner Shepherd, no, I don't. This particular project primarily is to add the use and allow a cell tower. Once the cell tower comes in for a thorough review under – if it comes in as a mono-pine, the administrator reviews the site development plan, that's when we would look at all those details when they're putting in the site. So if the site doesn't meet those requirements they can't put it on there. But this is allowing the use on this property to put in a cell tower, for the conceptual plan.

MEMBER SHEPHERD: My questions are just from a – since radiation is always a concern with cell towers and its impact on everything. My curiosity is about other sources of radiation infringing upon the neighborhood and if there are large sources of radiation then the cell tower might be a small impact. If it's the only show in town then maybe it's a big impact. I don't know.

MR. LARRAÑAGA: Just to clarify, Mr. Chair, Commissioner Shepherd, the section in the SLDC on the cell tower requirements probably do not address something like that. We look at [inaudible] zone and heights and access and so on in that section of the code.

MEMBER SHEPHERD: Thank you.

CHAIR GONZALES: Thank you, Mr. Shepherd. Jose, I have a question. Has staff been out to the site?

MR. LARRAÑAGA: Mr. Chair, no we haven't.

CHAIR GONZALES: Haven't been out there yet. Okay. Okay, the applicant.

[Duly sworn, Ted Harrison testified as follows:]

TED HARRISON: Ted Harrison, and my address is 2112 Paseo del Monte, Santa Fe, 87501. Mr. Chair, members of the Commission, my name is Ted Harrison. I'm the president of Commonweal Conservancy, which is a non-profit

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organization that has been bringing forward the Galisteo Basin Preserve and its associated development activity over the past 15 years. It's good to see many of you again here after some time away.

This proposal, as you know from the staff report and presentation is an addition to the master plan that was approved first in 2007 and then subsequently modified and approved again in 2015. We neglected to include a communications use in our very large collection of otherwise land uses that have been approved as part of that master plan. The request that came to us about three years ago now from Verizon was to locate a tower within the general building or planning envelope of the Galisteo Basin Preserve's Trenza Village project. They reported to us that they'd been on the hunt looking for a cell phone cell tower/communications towers for three years prior, so now they're six years into their process of identifying a site that would allow for improved communications within the US 285 Corridor and also County Road 41 Corridor that extends to Galisteo.

As you may know this is an area of the county that is not well served by cell coverage. It is better than it was three years ago, but is still quite unpredictable. One of our concerns as the owner of this larger, nearly 10,000 acres that sits below the location of the tower is that we've developed a 28-mile trail network that is very actively used and folks rely on their cellular communications devices to be able to access both maps and also to be able to call for any emergency services requests.

Over the course of the past 15 years, since we've been working on the project and since the trails systems has been available to the public there have been a number of instances where cell communications to emergency services has been critical to the rescue of those injured – mountain bikers or hikers or lost mountain bikers or hikers. So we are hopeful that this cell tower will help improve the reliability and quality of coverage that exists within the trail network and what we're hoping to be a much expanded trail network over the course of the next few years.

There are also three neighborhoods that exist within the Galisteo Basin separate from the Trenza project. Those are the New Moon Overlook, which is located to the north of this site, the Southern Crescent which is located between a mile and a mile and a half to the south, and then another small collection of lots we call the East Preserve that's basically an equestrian cluster of 140-, 160-acre lots that's located southeast of the site. Those folks that own properties including Dianna Suslo who provided you with a letter that was share with you this evening are quite strongly in favor of this facility. Folks in the New Moon Overlook and Southern Crescent that have homes that have complained or expressed concerns about their poor cell service and this tower would meaningfully improve their quality of communication.

They're also excited about the opportunity to link the fiber optic cable that CenturyLink has along 285, which I believe terminates at Ranch Road above the top of the escarpment, just at the southern edge of Eldorado that would then link to this communications tower. Commonweal has developed underground communications, fiber in all of the roads that extend to the Southern Crescent, East Preserve and New Moon Overlook neighborhoods, and the Verizon tower would allow to make our dark fiber in this road network live, or lit, so that those folks would now have a very strong, perhaps even gigabyte quality internet.

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I know the County has ambitions for its economic development and just larger broadband service plans for this area and for the county overall, and we're hopeful that the tower will help advance that larger policy and infrastructure goal.

In terms of questions that came up, Commissioner Anaya, I think maybe you saw that this is principally a Verizon facility although it would have the capacity to have one other provider located on a tower. I'm not sure what the County requires in terms of emergency services, access to a tower, but the tower, even at a relatively small height of 36 feet I believe could accommodate or may be required to accommodate the emergency services needs of the state and the County. They would be better able to answer that. But I believe that's a standard of any tower, that they allow for that larger public use.

In terms of underground utilities, all of the utilities that serve the neighborhoods in the Galisteo Basin Preserve are underground. There are no overhead high tension wires. The water tanks are actually polypropylene. They're not steel and not grounded. Dianna's concerns are well understood. She and I spent quite a bit of time talking about her concerns. It's a little bit in conflict. On one side she really wants her connection to the fiber optic cable but she doesn't want the risk of cell tower – is it the ETFs or EFTs? I forget what the acronym is for the electromagnetic – whatever the concern is that folks have about cell towers in terms of their electric frequencies. Her property is located 1.35 miles south of the proposed tower.

One of the reasons why Verizon and Hemphill, the partner with Verizon in this tower had such difficulty locating an appropriate site is because most of the other neighborhoods along the Lamy escarpment that defines Eldorado and the upper areas of Lamy, their neighbors were not enthusiastic about having a tower close by their properties, or the lots were much smaller. So the location of the tower relative to a number of homes was going to be very different than is the case for New Moon Overlook.

The most immediate or the most proximate property is Lot 1 of the New Moon Overlook and the folks that purchased that lot, they're the second owners of that property, purchased that lot with the understanding and with full disclosure as to the proposed development of the cell tower. They are engineers by profession and practice and are not concerned about any of the EFTs or whatever that acronym is – frequencies that are of concern to Dianna.

With that, I just want to acknowledge that the staff and Commonwealth have worked very productively together. I appreciate the quality of their work, research and reporting, and if there are questions of the Commission I stand for those questions now.

CHAIR GONZALES: Thank you, sir. Yes, I'll start off with a couple few questions. I know that this is a conceptual proposal at this point in time. One thing I did notice is it that it looks like there's about a 25- to 30-foot difference from the existing road to the top of the hill where you guys are proposing the cell tower. Do you have any idea what the grade in that road is going to be?

MR. HARRISON: Well, any application would have to meet the County road standards. So I believe the configuration of the road is proposed to be on contour, so it would come from the water tank terminus, so they're on a fire road.

CHAIR GONZALES: Okay. That's kind of what I was getting to, because if you look at the plan, the road goes up a little bit, then it goes straight up, so it's not really going with the contours. It's going straight up. So that might be one thing you want

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to look at when you guys actually come in for your application as well. It's kind of going straight up instead of going with the contours and that will help you with your grade as well.

The only other issue I'd be concerned about is that I hope there's no 30 percent slopes heading up there that are going to be disturbed because then you'll be back before us on a variance on that as well.

Let's see. Your proposed driving surface, I think you're proposing gravel. Are you talking about gravel basecourse or just gravel?

MR. HARRISON: I believe that would come forward with the development application but the intention – I suspect it will be a basecourse material.

CHAIR GONZALES: Okay. And another thing I'm concerned about is that your transition from your new proposal to existing road, again, when you guys get more detailed plans, I have concerns about how the transition from the drainage coming down the hill to the existing road, how that's going to work out as well.

MR. HARRISON: Yes. Actually the location of the – this is an old ranch road that was used to develop the water tanks that are located about ¾ of a mile from the New Moon Overlook Road. That old ranch road is dirt, two-track. It drains to the north into an arroyo that has very large culverts that then are capped with dirt and basecourse and rockwork that serves something like a dirt bridge to then connect to another section of New Moon Overlook Road that brings you up to the escarpment. So certainly drainage issues will be of primary concern for the development application.

CHAIR GONZALES: Thank you. Does the Commission have any questions of the applicant? Mr. Anaya.

MEMBER ANAYA: Exactly how many miles from the 285 are you?

MR. HARRISON: From US 285? Commissioner Anaya, I believe its .6 mile, or perhaps .7 mile to the west.

MEMBER ANAYA: So under a mile?

MR. HARRISON: Yes.

MEMBER ANAYA: Okay. And then naturally to 14?

MR. HARRISON: To State Highway 14?

MEMBER ANAYA: Yes.

MR. HARRISON: It would be as many as nine miles to the east.

MEMBER ANAYA: Okay. So on your drawings in here it shows that where you're going to plant the metal tree, I guess is what it looks like.

MR. HARRISON: They call it a mono-pine. Yes. Some people have actually advocated for just being honest, that it's a communications tower and make it a communications tower. But if there's an aesthetic preference for a mono-pine everyone is willing to do that.

MEMBER ANAYA: That's what I was wondering, is if – was that a requirement from the community? Or was that just you guys proposed it to look like that?

MR. HARRISON: Well, you see probably bad examples of mono-pines in and around the community in your travels around the country.

MEMBER ANAYA: In Albuquerque.

MR. HARRISON: And in Albuquerque. We have control over how that design comes forward as they submit their plans and Commonweal will review what's actually constructed and does it meet our aesthetics. So we will do the best we can to

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make this look like a real tree, if that's the way we want to go. We're going to do a survey of the neighborhoods to see if it's more honest and less offensive to have it just be a straight pole.

MEMBER ANAYA: So that's not in concrete then?

MR. HARRISON: It's not. No. It was my idea that a mono-pine would be less visible or distracting than a straight pole.

MEMBER ANAYA: That was what I was trying to find out. Are we going to look at an odd-ball tree or are we going to look at a tower?

MR. HARRISON: I guess we'll see. And both are allowed, I understand. The County may have a preference for the mono-pine design but that is not established right now.

CHAIR GONZALES: I haven't seen anybody try to disguise them with a windmill yet.

MEMBER ANAYA: Are you going to have Christmas lights?

MR. HARRISON: No, there will be no lighting, actually. That did come up as a concern for the neighborhood.

CHAIR GONZALES: Okay. Any other questions? Okay. Now we can proceed with the public hearing portion of the meeting. Does anybody out there want to speak in favor of or against the proposal? Nope. Okay. Does the Commission have any discussions or motions?

MEMBER KATZ: I would make a motion if there is no other discussion. Do we approve or do we recommend approval?

MS. LUCERO: Mr. Chair, Commission Member Katz, this would be a recommendation to the Board of County Commissioners.

MEMBER KATZ: That's what I thought. Okay. So I would move to recommend approval to the Board of County Commissioners for the amended conceptual plan to allow the proposed 36-foot tall communications tower as a permitted use if it's a mono-pine or as a conditional use if it's a mono-pole, within the Galisteo Basin Preserve District.

MEMBER ANAYA: Second.

MS. LUCERO: Mr. Chair, point of clarification. Does that include staff's recommended conditions?

MEMBER KATZ: I'm sorry. Yes. Including conditions.

CHAIR GONZALES: Okay. We have a motion.

**The motion passed by unanimous [7-0] voice vote.**

**B. Petitions from the Floor**

None were offered.

**C. Communications from the Commission Members**

Holiday greetings were exchanged.

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D. Communications from the Attorney

None were presented.

E. Matters from Land Use Staff

An update on a Planning Commission case appealed to the BCC was distributed. [Exhibit 2] Ms. Lucero stated the County Commission will be making new appointments to the Planning Commission at the first meeting in January. If there are new appointees this will be the last meeting of the current configuration of the Planning Commission. Members Gray, Katz, Anaya and Lopez are up for reappointment. Member Shepherd thanked those members for their services.

Chair Gonzales asked about anticipated changes to the sand and gravel regulations. Ms. Lucero said there will be possible modifications to the DCI section of the code. Chair Gonzales asked that packets with that information be provided early. Growth Management Director Penny Ellis-Green stated a public review draft will be handed out at the first BCC meeting of the year. This will be seven months before it is heard by the Planning Commission.

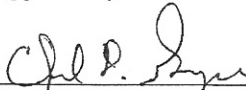
Commission Anaya indicated that in the event he is not reappointed he wanted to thank County management and staff for their professionalism. He also expressed his appreciation to his fellow Commissioners.

F. Next Planning Commission Meeting: January 17, 2019

G. Adjournment

Having completed the agenda and with no further business to come before this Committee, Chair Gonzales declared this meeting adjourned at approximately 5:20 p.m.

Approved by:

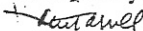
  
Charlie Gonzales, Chair  
Planning Commission



TESTED TO:

  
GERALDINE SALAZAR  
SANTA FE COUNTY CLERK

Submitted by:

  
Karen Farrell, Wordswork



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

PLANNING COMMISSION MI  
PAGES: 22

I Hereby Certify That This Instrument Was Filed for  
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Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Geraldine Salazar  
Deputy County Clerk, Santa Fe, NM



Santa Fe County Planning Commission: December 20, 2018

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